

REMARKS

This paper is filed in response to the Office Action mailed on November 17, 2008. Presently, Claims 1-17 and 19-39 are pending in the application. Claims 4-14, 21, 22, and 31 are withdrawn from consideration. Claims 24-26 and 29 are allowed. Claims 2, 3, 15, 16, 20, 27, 28, and 30 have been objected to. Claims 1, 17, 19, 23, and 32-39 have been examined and stand rejected. Reconsideration of Claims 1, 17, 19, 23, and 32-39 is respectfully requested.

The Rejection of Claims 1, 17, 19, 23, and 32-39 Under 35 U.S.C. § 102(b)

Claims 1, 17, 19, 23, and 32-39 are rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 5758895 (Bumgarner).

Claims 1, 17, and 19 have been amended to recite flexible linkages. As understood by applicant, the Examiner views the locking bar (8) of Bumgarner to be the "linkage" recited in the claims. Bumgarner in no way suggests the locking bar (8) could or should be flexible. In order for the locking bar (8) of Bumgarner to function in its intended manner, the locking bar has to be made from a rigid material to withstand the downward force necessary to lock the straps into place. Accordingly, Bumgarner teaches away from making the linkages flexible.

Therefore, withdrawal of the rejection is respectfully requested.

The Rejection of Claims 38 and 39 Under 35 U.S.C. § 103(a)

Claims 38 and 39 are rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent Application Publication No. 2001/0009320 (Couderc et al.) in view of U.S. Patent Application Publication No. 2004/0061311 (De Bortoli et al.).

De Bortoli et al. discloses an ankle strap connected to a baseplate with a metal cable formed into a loop such that the loop section fits on a pulley fixed to the binding frame, and the two cables that form the loop extend from the pulley to the end of an ankle strap. The two cables engage teeth of a rack, thus allowing an adjustable engagement to the end of the ankle strap. It is

applicant's understanding that the Examiner views such attachment as comprising two locations as opposed to one. The Examiner further states that it would have been obvious to provide the connection of De Bortoli et al. proximate to Couderc et al.'s element 105 because this would allegedly provide a greater degree of flexibility, allowing easier initial adjustment. Applicant respectfully disagrees with the Examiner's understanding of the teachings of De Bortoli et al. The instep attachment of De Bortoli et al. via the metal loop is at a *single* location that is determined by a single attachment point 18 to the baseplate, as shown in Figure 2. The cables only loop around this single location. Accordingly, even modifying the binding system of Couderc et al. according to De Bortoli et al. would not result in the claimed invention. Furthermore, De Bortoli et al. teaches that the metal loop is mounted on the wide padded portion of the instep strap and not on the toothed portion 7. Thus, the suggestion that the metal loop can be incorporated proximate to the toothed portion is contrary to the teachings of De Bortoli et al.

Accordingly, withdrawal of the rejection is respectfully requested.

Withdrawn Claims

Withdrawn Claims 4-14, 21, 22, and 31 depend from Claim 1. Applicant is entitled to a reasonable number of species. Accordingly, the withdrawn Claims 4-14, 21, 22, and 31 should be allowed upon allowance of Claim 1.

CONCLUSION

In view of the foregoing amendments and remarks, applicant submits that all pending claims are in condition for allowance. If the Examiner has any further questions or comments, the Examiner is invited to contact the applicant's attorney at the number provided below.

Respectfully submitted,

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